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Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/57/556/Add.2 and Corr. 1-3)*]

57/225. Situation of human rights in Cambodia

The General Assembly,

Recalling its resolution 56/169 of 19 December 2001, Commission on Human Rights resolution 2002/89 of 26 April 2002[1] and previous relevant resolutions,

Recognizing that the tragic history of Cambodia requires special measures to ensure the protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,[2]

Reaffirming that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge, and acknowledging that the final collapse of the Khmer Rouge and the continued efforts of the Government of Cambodia have provided the basis for the restoration of peace and stability with the aim of achieving national reconciliation in Cambodia and the investigation and prosecution of the leaders of the Khmer Rouge,

I

Support of and cooperation with the United Nations

1. *Requests* the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the office and to enable the Special Representative to continue to fulfil his tasks expeditiously;

2. *Welcomes* the report of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights[3] and the use of the United Nations Trust Fund for a

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[1] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

[2] A/46/608-S/23177.

[3] A/57/277.

Human Rights Education Programme in Cambodia to finance the programme of activities of the office, and invites the international community to consider contributing to the Trust Fund;

3. *Also welcomes* the report of the Special Representative,[4] encourages the Government of Cambodia to continue its cooperation at all levels of Government, supports the appeals of the Government and the Special Representative to increase international assistance to Cambodia and to continue working towards the reduction of poverty, and encourages donor countries and other relevant parties to follow up their pledges made at the Consultative Group Meeting on Cambodia, held at Phnom Penh on 20 and 21 June 2002;

4. *Further welcomes* the signature of the memorandum of understanding in February 2002 by the Government of Cambodia and the Office of the High Commissioner for the extension of the mandate of the office in Cambodia, and encourages the Government to continue to cooperate with the office in their joint efforts to promote human rights;

5. *Commends* the vital role played by non-governmental organizations in Cambodia, inter alia, in the development of civil society, and encourages the Government of Cambodia to continue to ensure the protection of those human rights organizations and their members and to continue to work closely and cooperatively with them;

II

Administrative, legislative and judicial reform

1. *Acknowledges* the ratification by Cambodia of the Rome Statute of the International Criminal Court;[5]

2. *Notes with concern* the continued problems related to the rule of law and the functioning of the judiciary resulting from, inter alia, corruption and interference by the executive with the independence of the judiciary, welcomes the establishment of the Council of Legal and Judicial Reform, and urges the Government as a matter of priority to increase its budgetary allocation to the judiciary and take the necessary measures to ensure the independence, impartiality and effectiveness of the Supreme Council of the Magistracy and the judicial system as a whole;

3. *Urges* the Government of Cambodia to expedite the adoption of the laws and codes that are essential components of the basic legal framework, including the draft statute on magistrates, a penal code, a code of criminal procedure, a new civil code and a code of civil procedure and to enhance the training of judges and lawyers, and welcomes the opening of the Royal School for Training Judges and Prosecutors and the Centre for Lawyer Training and Professional Improvement of the Bar Association of the Kingdom of Cambodia;

4. *Also urges* the Government of Cambodia to strengthen its efforts to tackle the problems related to land, and notes with concern the remaining problems of land grabbing, forced evictions and further displacement;

5. *Encourages* further efforts by the Government of Cambodia to implement expeditiously and effectively its reform programme, including the Governance Action Plan and military reforms, inter alia, the demobilization programme;

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[4] A/57/230.

[5] *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998*, vol. I: *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

6. *Welcomes* the progress made by the Government of Cambodia to eradicate anti-personnel landmines and to reduce the number of small arms in Cambodia, and encourages the continuing efforts of the Government and the international community to tackle these issues;

7. *Expresses serious concern* that the situation of impunity still exists in Cambodia, recognizes the commitment and efforts of the Government of Cambodia to respond to this problem, calls upon the Government, as a matter of critical priority, to increase its efforts to investigate urgently and to prosecute, in accordance with due process of law and international human rights standards, all those who have perpetrated serious crimes, including violations of human rights;

8. *Welcomes* the progress achieved by the Government of Cambodia in conducting polling for the commune elections in February 2002, encourages the Government to work towards free and fair general elections in July 2003, bearing in mind the serious concerns over acts of intimidation, violence and killings and reports of vote-buying, to investigate fully such acts and to prosecute those responsible, to ensure that similar problems do not occur in connection with the general election and, in particular, to pay close attention to the safety and security of candidates and political activists and to ensure neutrality on the part of State institutions, including an independent national election committee, proper law enforcement and equitable access to all forms of media, including broadcast media, for all parties;

9. *Notes with serious concern* the prison conditions in Cambodia, notes with interest some important efforts to improve the prison system, recommends the continuation of international assistance to improve the material conditions of detention, and calls upon the Government of Cambodia to take further measures to improve the conditions of detention, to provide proper food and health care to prisoners and detainees and to meet the special needs of women and children;

III

Human rights violations and violence

1. *Expresses grave concern* about the continued violations of human rights, including torture, excessive pre-trial detention, violation of labour rights, forced evictions, as well as political violence, police involvement in violence and the apparent lack of protection from mob killings, notes that some progress has been made by the Government of Cambodia in addressing these issues, and urges the Government to take all necessary measures to prevent such violations, including to consider establishing a board of inquiry on the issue of mob killings;

2. *Urges* the Government of Cambodia to combat discrimination in all its manifestations against ethnic minorities and to protect their rights, as well as to meet its obligations as a party to the International Convention on the Elimination of All Forms of Racial Discrimination,[6] inter alia, by seeking technical assistance;

IV

Protection of women and children

1. *Welcomes* the progress made in improving the status of women, including the progress made towards the adoption of the law on prevention of domestic violence and protection of victims of domestic violence, and urges the Government

[6] Resolution 2106 A (XX), annex.

of Cambodia to take further appropriate measures to combat violence against women in all its forms and to take all steps to meet its obligations as a party to the Convention on the Elimination of All Forms of Discrimination against Women,[7] including by seeking technical assistance;

2. *Commends* the Government of Cambodia for its efforts to combat the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), while remaining concerned about its increasing incidence;

3. *Welcomes* the series of efforts made by the Government of Cambodia to combat human trafficking, requests the Government and the international community to make concerted efforts comprehensively to address these problems and their underlying causes, while noting with serious concern the growing phenomenon of trafficking in, and sexual exploitation of, women and children;

4. *Welcomes* the ratification by the Government of Cambodia of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;[8]

5. *Notes with serious concern* the problem of child labour in its worst forms, calls upon the Government of Cambodia to take immediate and effective measures to protect children from economic exploitation and from performing any work that is likely to be hazardous, to interfere with their education or to be harmful to their health, safety or morals, by enforcing Cambodian laws on child labour, the existing Labour Law and anti-trafficking law provisions on behalf of children and prosecuting those who violate these laws, invites the International Labour Organization to continue to extend the necessary assistance in this regard, and encourages the Government to consider ratifying the International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182);

6. *Encourages* the efforts of the Government of Cambodia to improve further the health conditions of children and their access to education, to promote free and accessible birth registration and to establish a juvenile justice system;

V

Conclusion

1. *Encourages* the international community to assist the Government of Cambodia in its efforts to implement the present resolution;

2. *Requests* the Secretary-General to report to the General Assembly at its fifty-eighth session on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

3. *Decides* to continue its consideration of the situation of human rights in Cambodia at its fifty-eighth session under the item entitled "Human rights questions".

77th plenary meeting
18 December 2002

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[7] Resolution 34/180, annex.

[8] Resolution 54/263, annex II.